

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DAVID J.,)
Plaintiff,)
v.) No. 2:22-cv-00174-JDL
KILOLO KIJAKAZI,)
Acting Commissioner of)
Social Security,)
Defendant.)

**ORDER ACCEPTING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE**

Plaintiff David J. filed a Motion for Attorney's Fees (ECF No. 19) pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C.A. § 2412 (West 2022), after his case was voluntarily remanded at the Commissioner's request. The parties do not dispute that the Plaintiff is entitled to an award of reasonable attorney's fees and costs as a prevailing party under the EAJA, but the Commissioner opposes the amount of compensation that Plaintiff has requested.

On April 25, 2023, United States Magistrate Judge Karen Frink Wolf filed her Recommended Decision (ECF No. 22) on the motion pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2022) and Fed. R. Civ. P. 72(b). The time within which to file objections has expired, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

Notwithstanding this waiver, I have reviewed and considered the Recommended Decision, together with the entire record, and I have made a *de novo* determination of all matters adjudicated by the Magistrate Judge. I concur with the recommendations of the Magistrate Judge for the reasons set forth in her Recommended Decision and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision (ECF No. 22) of the Magistrate Judge is hereby **ACCEPTED**, and the Plaintiff's motion (ECF No. 19) is **GRANTED** as follows: attorney's fees and costs are awarded in the amount of \$6,231.60 for attorney time (\$230.80 x 27 hours) and \$104.50 for paralegal time (\$95.00 x 1.1 hours) for a total award of \$6,336.10.

SO ORDERED.

Dated: May 18, 2023.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE